

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 24, 2013**

Present: Ms. Furio, Mr. Merzel, Ms. Westerfeld, , Mr. Epstein, Ms. Batistic, Mr. DePalo, Mr. Corona, Mr. McLaughlin, Mr. Van Horne (Board Attorney)

Absent:

The meeting was called to order at 8:03 pm.

Ms. Furio announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.

The minutes of Sept. 26, 2013 were approved.

1230 DDA Cresskill Assoc. LLC 134 5th Street Block 49 Lot 627

The applicant (DDA Cresskill Assoc. LLC) proposed to construct an addition.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	22'	22'	3'
Side Yard Abutting/Lot	15 ft	11'	11.0'	4.0
Combined Side Yards	35 ft	23.8'	23.8'	11.2'
Rear Yard Set Back	30 ft	47.6'	30.1'	
Max. Livable Fl.Area FAR	34.32%	17.34%	34.74%	0.42%
Lot Frontage	100 ft	75'		25'
Lot Depth	100 ft			
Bldg Coverage %	20%	24.69%	20.4%	0.4%
Impervious Coverage	32.4%	30.48%	33.02%	0.62%
Height	28 ft	16'	27.5'	
Lot Area.	10,000 sq.ft	7500 sq.ft		2500ft

The application was carried to the Oct. 24 meeting of the ZBOA at the request of the applicant.

Mr. John Manfredonia , introduced himself as council for the applicant.

Mr. Manfredonia said that the hearing had been postponed to this month so that that the plans could be changed to address some of the concerns of the neighbors.

Mr. Stubaus, architect, was sworn in.

Mr. Stubaus presented his credentials.

Mr. Manfredonia distributed photographs (exhibit A-1).

Mr. Stubaus testified that the first photograph portrayed the house in its present condition. It is a one story ranch, in disrepair, boarded up, and declared uninhabitable by the municipal building dept. The 2nd photograph shows the west side of the house and part of the house next door. The 3rd photograph shows the neighbor's house which is a new two story.

Mr. Stubaus described the proposed renovation. The existing house is one story of about 1000 sq.ft. The proposal is for a 2nd floor on top of the existing house without further encroaching into the side or front yards. The garage does not conform, the set-back is 22' where 25' is required. The 2nd floor addition is set back from the garage to more than 25'. On the left hand side, the proposed addition is set in to yield the required 15' side yard. The existing house is 11' from the property line. On the right side we are proposing to add the 2nd floor in-line with the existing wall which is 12.9' from the property line. In addition we are proposing a new foot print to the rear which conforms on both sides to the required set-backs.

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Mr. Manfredonia asked Mr. Stubaus if his figures are accurate and correct.

Mr. Stubaus said that they were.

Mr. Manfredonia said that the driveway is 3' from the property line where 10' is required, which is a 7' variance.

Mr. Stubaus said that the house has a single car garage with a single car driveway. The proposal is to increase the width of the driveway so that 2 cars can fit on the property. This is beneficial because it reduces parking on the street and reduces maneuvering in and out into the street.

Mr. Manfredonia asked is this construction consistent with the R-10 residential zone ?

Mr. Stubaus said that it did.

Mr. Manfredonia asked in your opinion will this construction result in an improvement to the neighborhood ?

Mr. Stubaus said Yes it will. As shown on the photographs, this house is between 2 larger houses of new construction. He has surveyed the area and there are a number (at least 10) of new 2 story houses.

Mr. Manfredonia said we are asking for a 0.62% variance in impervious coverage, how do you address that.

Mr. Stubaus said the 0.62% variance is attributable to the widening of the driveway not the house. The increase is 190 sq.ft. Part of the proposal includes a seepage pit. The retention area is designed for the entire roof of the house. That is 20.4% of the property versus the 0.62% that we are over the zoning requirement. It is at least 8 times more water retention, thus the variance is reasonable.

Mr. Manfredonia said we are reducing building coverage.

Mr. Stubaus said the permitted Zoning coverage is 20%. The coverage on the existing property is 24.69%. The rear patio on the survey is a covered patio. The cover will be removed. So that even while a 7' addition is being added, we are taking away more roof than we are adding.

Mr. Manfredonia asked if this variance conforms to the intent and purpose of the Zoning Plan of the Boro of Cresskill?

Mr. Stubaus said yes it will. The intent is to have single family houses in this neighborhood. The existing house is in a deteriorated, dilapidated condition. Our proposal is to add to the house, to fit in with the other houses in the neighborhood.

Mr. Manfredonia asked will this construction negatively impact the light, air and space of the neighborhood?

Mr. Stubaus said no it will not. The 2nd floor will conform to the zoning requirements.

Mr. Manfredonia asked will this home fit within the surrounding properties.

Mr. Stubaus said it does – there are a number of newer larger homes.

Mr. Manfredonia asked if this construction will result in an increase in traffic?

Mr. Stubaus said no it will not, it will actually improve traffic by increasing the width of the driveway.

Mr. Manfredonia asked whether the variances can be granted without detriment to the public good.

Mr. Stubaus said they can.

Mr. Manfredonia asked if the proposed construction will further the trend of modernization in the neighborhood.

Mr. Stubaus said it will. The proposed house is 2600 sq.ft of living space, which is not as large as the 3000 sq.ft allowed to housed with 10,000 sq.ft lots.

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Mr. Manfredonia said we are asking for a “D” variance so we have to show a special reason. Will the granting of this variance promote a general public health, safety, general welfare community?

Mr. Stubaus said yes it will. we will remedy the situation of an old dilapidated house, and raise the standard of this property to that of other properties in the neighborhood.

Ms. Furio asked if the driveway will be 3’ off the side yard?

Mr. Stubaus said yes.

Ms Furio said the resulting driveway will be 18’.

Mr. Stubaus said yes.

Ms. Furio asked and extending past the garage 5’?

Mr. Stubaus said 6’.

Ms. Furio said you are reducing the FAR to 0.42% . You pulled the top on the north side in by 5’. You are taking down the deck including the roof, and you are coming out 7’.

Mr. Stubaus agreed.

Ms. Furio asked if the walkway leading from the driveway around the side of the house to the path is all new.

Mr. Stubaus said yes it was, and it was calculated in the impervious.

Mr. Epstein requested an explanation of the seepage pit to offset the impervious increase.

Mr. Stubaus said that the increase in impervious was 190 sq.ft. Instead of using a minimum seepage pit they had selected one that was eight times larger than required.

Ms. Furio asked if there was anyone in the audience for or against the application.

Mr. Merzel asked if there was a variance needed for the right side yard?

Mr. Stubaus said that the variance is an existing condition, and is not getting worse.

Mr. Corona asked are you keeping the tree in the front right?

Ms. Furio said the big Pine tree between the 2 properties.

Mr. Stubaus said it will not be cut down but maybe trimmed.

Ms. Batistic made the motion to approve the the application with the 3’ variance for the driveway, the FAR variance, and the existing side yard variances.

Mr. Merzel seconded.

The application was approved.

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1231 Maria Sarubbi 307 12th Street Block 122 Lot 455

The applicant (Marie Sarubbi) proposed to construct a pool in her back yard.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	14.3 ft		0.7'
Combined Side Yards	35 ft	29.7 ft		5.3'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	80'		20'
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	31.9%	31.47%	34.64%	2.74%
Height	28 ft			
Lot Area.	10,000 sq.ft			

Marie Margaret Sarubbi was sworn in.

Ms. Sarubbi testified that she wants to put an in-ground pool in her back-yard. She has been told that her proposed pool is too close to the house and the Impervious Coverage is too large.

Ms. Furio said that the pool is 15' from the back of the house, and the deck is 12' from the back property line, and the edge of the pool is 15' from the property line.

Ms. Furio asked if the walkway around the shed in the south west corner is staying?

Ms. Sarubbi said yes.

Ms. Furio asked where was the pool before Mr. Rossi moved it?

Ms. Sarubbi said it was closer to the house and deck.

Ms. Furio said that the variances for the Side Yard and the Combined Side Yards are existing.

Ms. Furio said you are here for the Impervious Coverage from the deck and the pool.

Mr. Merzel asked if the 12' to the back is conforming?

Ms. Furio said that 15' to the edge of the pool is permissible

Mr. Merzel asked if 12' to the deck of the pool is permissible?

Ms. Furio said that it was permissible.

Ms. Furio said the corner of the shed to the pool itself requires 5' and she has 5.7'. Because the shed is not a dwelling, just an accessory building.

Ms. Batistic said the distance from the pool to the equipment is 5.7'. The shed is farther.

Ms. Furio said you have no walkway, there is just grass between the house and the pool.

Mr. McLaughlin made the motion to approve the application

Mr. Corona seconded.

The application was approved.

Other Business

MS. Furio announced that because of Thanksgiving, the next meeting of the Zoning Board will be held on Dec. 5, 2013.

Mr. Van Horne said he would not be able to attend the Dec. 5 meeting.

The meeting was adjourned at 8:42 pm.